

PATENT

Docket No.: DEAV2003/0025 US NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Armin Hofmeister, et al.

Serial No.: **10/807,781**

Filed: **March 24, 2004**

Examiner: **Davis, Zinna Northington**

Art Unit: **1625**

Title: **Composition, Process of Making, and
Medical Use of Substituted 4-
Phenyltetrahydroisoquinolines**

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Response to Restriction/Election Requirement Under 35 U.S.C. § 121

Sir:

This is in response to the Office Action, Paper No. 0506, dated, May 25, 2006, having a response due by June 25, 2006 in the above-identified patent application. It is respectfully requested that the following provisional election, and the remarks be entered in this case.

PROVISIONAL ELECTION:

Applicants provisionally elect with traverse the invention Group I, claims 1-6, 14 and 15 drawn to a chemical compound and a pharmaceutical composition of formula I.

ELECTION OF A SUB-SPECIES AND A SINGLE DISCLOSED COMPOUND:

Applicants provisionally elect with traverse a sub-generic species falling within the scope of invention Group I to be a compound of formula I, wherein $R_1 = R_3 = R_6 = R_7 = R_8 =$ hydrogen, $R_2 = R_4 =$ halogen, $R_5 =$ alkyl, $R_9 = L-G$, wherein $L = NR_{30}CO-$, and $G = C_a(OR_{32})_xH_{2a+1-x}$, wherein $R_{30} = R_{32} =$ hydrogen and $x = a = 5$. A single specific compound falling within this sub-generic species is $N-[3-(6,8-dichloro-2-methyl-1,2,3,4-tetrahydroisoquinolin-4-yl)phenyl]-(2R,3S,4R,5R)-2,3,4,5,6-pentahydroxyhexanamide$,

which is described as Example 2 at line 42, page 43 to line 22, page 44 of the specification. Please note that all of claims 1 to 6, 14 and 15 read on this elected subgeneric species as well as the single disclosed compound as provisionally elected herein.